



02-09-05

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PTO/SB/61 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)  
**8404.011**

First Named Inventor: **Donald E. Weder**  
Application Number: **10/687,979**  
Filed: **10/17/2003**

Art Unit: **3644**  
Examiner: **F. Palo**

Title: **METHOD FOR PROVIDING A DECORATIVE COVER FOR A FLORAL GROUPING**

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.**

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

**1. Petition fee**

- ☐ Small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(l)). Applicant claims small entity status.  
See 37 CFR 1.27.
- ☒ Other than small entity - fee \$ **500.00** (37 CFR 1.17(l)).

**2. Reply and/or fee**

A The reply and/or fee to the above-noted Office action in the form of  
Response to Office Action & Filing Of A Continuation (identify the type of reply):

- ☐ has been filed previously on \_\_\_\_\_
- ☒ is enclosed herewith.

B The issue fee of \$ \_\_\_\_\_

**02/10/2005 HDEMESS1 00000077 10687979**

**01 FC:1452**

**500.00 OP**

- ☐ has been filed previously on \_\_\_\_\_
- ☐ is enclosed herewith.

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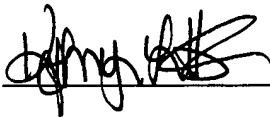
**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
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## 3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**



Signature

2-8-05

Date

Kathryn L. Hester, Ph.D.

Typed or printed name

46,768

Registration Number, if applicable

P. O. Box 16370

Address

(405) 607-8600

Telephone Number

Oklahoma City, Oklahoma 73113

Address

Enclosure ☒ Fee Payment☒ Reply☒ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unavoidable delay☐

**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

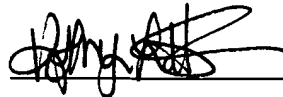
I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first\*\*\* class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. \*\*\* EXPRESS MAIL DATED 02/07/2005; EV 373445635 US\*\*\*

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

2-8-05

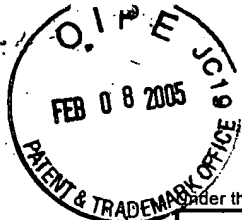
Date



Signature

Kathryn L. Hester, Ph.D.

Typed or printed name of person signing certificate

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

Signature

2-8-05

Date

Kathryn L. Hester, Ph.D.

Typed or printed name

46,768

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

A copy of the Office Action mailed June 15, 2004 was never received by Applicant's representative. Attached hereto as evidence of non-receipt of the Office Action is a docket sheet for the subject application printed from the docketing software PATTSY® (OP Solutions, Inc.). The docket sheet demonstrates that as of December 17, 2004, Applicant's representative was not aware of the Office Action. This was over six months after the Office Action was mailed, and therefore the application was unavoidably abandoned before Applicant's representative became aware of the Office Action. The Examiner called Applicant's representative on December 17, 2004 to determine if the application was intentionally abandoned, and therefore Applicant first became aware of the Office Action on December 17, 2004, after the unavoidable abandonment of the application.

(Please attach additional sheets if additional space is needed.)